

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:15-CV-181-D

RONALD S. BRYANT,)
)
 Appellant,)
)
 v.)
)
 ALGERNON L. BUTLER, III, et al.,)
)
 Appellees.)

ORDER

On September 22, 2015, Algernon L. Butler, III (“Butler”), Chapter 7 Trustee for TP, Inc., moved to dismiss Ronald S. Bryant’s (“Bryant”) bankruptcy appeal. See [D.E. 6]. On October 20, 2015, Bryant filed an incoherent response. See [D.E. 11].

On July 20, 2015, the bankruptcy court entered the order from which Bryant appeals. See [D.E. 7-6]. On August 6, 2015, Bryant filed his notice of appeal with the bankruptcy court clerk. See [D.E. 1] 1. Thus, Bryant failed to file a notice of appeal with the “bankruptcy clerk within 14 days after entry of the judgment, order, or decree being appealed.” Fed. R. Bankr. P. 8002(a).¹ Accordingly, this court lacks jurisdiction. See Bowles v. Russell, 551 U.S. 205, 214 (2007) (“[T]imely filing of a notice of appeal in a civil case is a jurisdictional requirement.”); Smith v. Dairymen, Inc., 790 F.2d 1107, 1109 (4th Cir. 1986); In re Reimann, No. 5:03-CV-794-FL, 2003 WL 23531791, at *1 (E.D.N.C. Nov. 14, 2003) (unpublished), aff’d, 89 F. App’x 850 (4th Cir. 2004) (per curiam) (unpublished). Alternatively, Bryant failed to comply with Federal Rules of Bankruptcy Procedure 8003(a)(3) and 8009, and this failure was in bad faith.

¹ Bryant filed his notice of appeal in this court on August 21, 2015. Using either August 6, 2015, or August 21, 2015, Bryant’s notice of appeal was untimely. See Fed. R. Bankr. P. 8002(a).

In sum, the court GRANTS Butler's motion to dismiss [D.E. 6] and DISMISSES Bryant's appeal.

SO ORDERED. This 3 day of December 2015.



JAMES C. DEVER III
Chief United States District Judge